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From-MARTIN&FERRAROLLP

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**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3764**

**PATENT
102.0010-01000
Customer No. 22882**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson, M.D.

Serial No: 08/480,461

Filed: June 7, 1995

For: INSTRUMENTATION FOR THE
SURGICAL CORRECTION OF HUMAN
THORACIC AND LUMBAR SPINAL
DISEASE FROM THE LATERAL
ASPECT OF THE SPINE (as amended)

Group Art Unit: 3764

Examiner: M. Brown

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

**REPLY TO OFFICE ACTION UNDER 37 C.F.R. § 1.116
AND REQUEST FOR WITHDRAWAL OF IMPROPER FINALITY**

In response to the to the Office Action dated September 18, 2001, an
unnumbered paper, the following amendments and remarks are submitted:

IN THE CLAIMS:

Please amend the claims (with the changes as shown in the attachment) to read
as follows: